

Application Number 10/731,668
Amendment Date 5/18/2005
Reply to Office action of 03/23/2005

REMARKS / ARGUMENTS

Minor corrections have been made to the specification. Claims 2, 4, 5, 7, 9, 10, 11, 12, 14 and 20 have been amended. Claims 1, 3, 6 and 19 have been cancelled. Claims 2, 4-5, 7-18 and 20 remain in the application.

Reexamination and reconsideration of the application, as amended, are requested.

The specification has been corrected to refer to section figures 7 – 11 in the brief description of the drawings.

Claim 19 has been objected to as being a substantial duplicate of claim 20.

Claim 19 has been cancelled.

Claims 5, 14 and 20 stand rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The office action states that claims 5, 14 and 20 have insufficient antecedent basis for the limitation “the lake bottom”.

Claims 5, 14 and 20 have been corrected.

Claims 1, 3 and 6 stand rejected under 35 USC 102(b) as being anticipated by Ender (US Pat. No. 4,530,181).

Claims 1, 3 and 6 have been cancelled.

Claim 2 stands rejected under 35 USC 103(a), as being unpatentable over Ender (US Pat. No. 4,530,181) in view of Dobkowski (US Pat. No. 2,539,234).

The claims are believed to be unobvious because the modification as suggested by the office action would render the prior art unsatisfactory for its intended purpose. It has been held that if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). The modification of Ender ‘181 in the manner suggested would not allow the prior art to work in the following way. The Ender ‘181 reference teaches that when a fish strikes auxiliary lure 14, the

Application Number 10/731,668
Amendment Date 5/18/2005
Reply to Office action of 03/23/2005

pull of the fish causes the primary line to release from the weighted ball. As the primary line straightens, the attachment device 10 slides to the end of the primary line, as shown in figure 4, Col. 4, lines 47-51. The instant invention claims a second movement stop frictionally connected to said leader, said second movement stop located between said first movement stop and said leader hook end, this would not allow the attachment device 10 of the Ender '181 reference to slide to the end of the primary line.

Claims 4 and 9 stand rejected under 35 USC 103(a), as being unpatentable over Ender (US Pat. No. 4,530,181) in view of Pettersen (US Pat. No. 4,177,599).

The claims are believed to be unobvious because the modification as suggested by the office action would render the prior art unsatisfactory for its intended purpose. It has been held that if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification, *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). The modification of Ender '181 in the manner suggested would not allow the prior art to work in the following way. The Ender '181 reference teaches that when a fish strikes auxiliary lure 14, the pull of the fish causes the primary line to release from the weighted ball. As the primary line straightens, the attachment device 10 slides to the end of the primary line, as shown in figure 4, Col. 4, lines 47-51. The instant invention claims a second movement stop frictionally connected to said leader, said second movement stop located between said first movement stop and said leader hook end, this would not allow the attachment device 10 of the Ender '181 reference to slide to the end of the primary line.

The claims are believed to be unobvious because the modification as suggested by the office action would change the principle of operation of the Ender '181 reference. It has been held that if the proposed modification of the prior art changes the principle of operation of the prior art being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious, *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). The modification of Ender '181 in the manner suggested would change the principle of operation of the above stated reference in the following way. The Ender '181 reference teaches a lure 14 is

Application Number 10/731,668
Amendment Date 5/18/2005
Reply to Office action of 03/23/2005

fastened to one end of the auxiliary line, and a device, such as a swivel snap 44 is fastened to the other end. The swivel snap has an eye on one end, eye 46 for connection to the auxiliary line 12 and eye 48 for receiving the primary line. The primary line 16 is then threaded, first through passage 40 of arm 30, then through eye 48 of the swivel snap and then through passage 42 of arm 32, Col. 3, lines 60-67. The Ender '181 reference teaches that when a fish strikes auxiliary lure 14, the pull of the fish causes the primary line to release from the weighted ball. As the primary line straightens, the attachment device 10 slides to the end of the primary line, as shown in figure 4, Col. 4, lines 47-51. The instant invention claims a treble hook slidably connected to the leader, said treble hook located between said second movement stop and said hook eye loop. This modification of Ender '181 would change the principle of operation of the reference.

Claim 5 stands rejected under 35 USC 103(a), as being unpatentable over Ender (US Pat. No. 4,530,181) in view of England (US Pat. No. 1,208,936).

The claims are believed to be unobvious because the modification as suggested by the office action would render the prior art unsatisfactory for its intended purpose. It has been held that if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification, *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). The modification of Ender '181 in the manner suggested would not allow the prior art to work in the following way. The Ender '181 reference teaches that when a fish strikes auxiliary lure 14, the pull of the fish causes the primary line to release from the weighted ball. As the primary line straightens, the attachment device 10 slides to the end of the primary line, as shown in figure 4, Col. 4, lines 47-51. The instant invention claims a second movement stop frictionally connected to said leader, said second movement stop located between said first movement stop and said leader hook end, this would not allow the attachment device 10 of the Ender '181 reference to slide to the end of the primary line.

The claims are believed to be unobvious because the modification as suggested by the office action would change the principle of operation of the Ender '181 reference. It has been held that if the proposed modification of the prior art changes the principle of operation of the

Application Number 10/731,668
Amendment Date 5/18/2005
Reply to Office action of 03/23/2005

prior art being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious, *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). The modification of Ender '181 in the manner suggested would change the principle of operation of the above stated reference in the following way. The Ender '181 reference teaches a lure 14 is fastened to one end of the auxiliary line, and a device, such as a swivel snap 44 is fastened to the other end. The swivel snap has an eye on one end, eye 46 for connection to the auxiliary line 12 and eye 48 for receiving the primary line. The primary line 16 is then threaded, first through passage 40 of arm 30, then through eye 48 of the swivel snap and then through passage 42 of arm 32, Col. 3, lines 60-67. The Ender '181 reference teaches that when a fish strikes auxiliary lure 14, the pull of the fish causes the primary line to release from the weighted ball. As the primary line straightens, the attachment device 10 slides to the end of the primary line, as shown in figure 4, Col. 4, lines 47-51. The instant invention claims a treble hook slidably connected to the leader, said treble hook located between said second movement stop and said hook eye loop. This modification of Ender '181 would change the principle of operation of the reference.

Claims 7 and 8 stand rejected under 35 USC 103(a), as being unpatentable over Ender (US Pat. No. 4,530,181) in view of Gruel (US Pat. No. 5,950,348).

The claims are believed to be unobvious because the modification as suggested by the office action would render the prior art unsatisfactory for its intended purpose. It has been held that if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification, *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). The modification of Ender '181 in the manner suggested would not allow the prior art to work in the following way. The Ender '181 reference teaches that when a fish strikes auxiliary lure 14, the pull of the fish causes the primary line to release from the weighted ball. As the primary line straightens, the attachment device 10 slides to the end of the primary line, as shown in figure 4, Col. 4, lines 47-51. The instant invention claims a second movement stop frictionally connected to said leader, said second movement stop located between said first movement stop and said leader hook end, this would not allow the attachment device 10 of the Ender '181 reference to

Application Number 10/731,668
Amendment Date 5/18/2005
Reply to Office action of 03/23/2005

slide to the end of the primary line.

The claims are believed to be unobvious because the modification as suggested by the office action would change the principle of operation of the Ender '181 reference. It has been held that if the proposed modification of the prior art changes the principle of operation of the prior art being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious, *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). The modification of Ender '181 in the manner suggested would change the principle of operation of the above stated reference in the following way. The Ender '181 reference teaches a lure 14 is fastened to one end of the auxiliary line, and a device, such as a swivel snap 44 is fastened to the other end. The swivel snap has an eye on one end, eye 46 for connection to the auxiliary line 12 and eye 48 for receiving the primary line. The primary line 16 is then threaded, first through passage 40 of arm 30, then through eye 48 of the swivel snap and then through passage 42 of arm 32, Col. 3, lines 60-67. The Ender '181 reference teaches that when a fish strikes auxiliary lure 14, the pull of the fish causes the primary line to release from the weighted ball. As the primary line straightens, the attachment device 10 slides to the end of the primary line, as shown in figure 4, Col. 4, lines 47-51. The instant invention claims a treble hook slidably connected to the leader, said treble hook located between said second movement stop and said hook eye loop. This modification of Ender '181 would change the principle of operation of the reference.

Claims 10 - 12 stand rejected under 35 USC 103(a), as being unpatentable over Ender (US Pat. No. 4,530,181).

The claims are believed to be unobvious because the modification as suggested by the office action would render the prior art unsatisfactory for its intended purpose. It has been held that if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification, *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). The modification of Ender '181 in the manner suggested would not allow the prior art to work in the following way. The Ender '181 reference teaches that when a fish strikes auxiliary lure 14, the pull of the fish causes the primary line to release from the weighted ball. As the primary line

Application Number 10/731,668
Amendment Date 5/18/2005
Reply to Office action of 03/23/2005

straightens, the attachment device 10 slides to the end of the primary line, as shown in figure 4, Col. 4, lines 47-51. The instant invention claims a second movement stop frictionally connected to said leader, said second movement stop located between said first movement stop and said leader hook end, this would not allow the attachment device 10 of the Ender '181 reference to slide to the end of the primary line.

The claims are believed to be unobvious because the modification as suggested by the office action would change the principle of operation of the Ender '181 reference. It has been held that if the proposed modification of the prior art changes the principle of operation of the prior art being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious, *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). The modification of Ender '181 in the manner suggested would change the principle of operation of the above stated reference in the following way. The Ender '181 reference teaches a lure 14 is fastened to one end of the auxiliary line, and a device, such as a swivel snap 44 is fastened to the other end. The swivel snap has an eye on one end, eye 46 for connection to the auxiliary line 12 and eye 48 for receiving the primary line. The primary line 16 is then threaded, first through passage 40 of arm 30, then through eye 48 of the swivel snap and then through passage 42 of arm 32, Col. 3, lines 60-67. The Ender '181 reference teaches that when a fish strikes auxiliary lure 14, the pull of the fish causes the primary line to release from the weighted ball. As the primary line straightens, the attachment device 10 slides to the end of the primary line, as shown in figure 4, Col. 4, lines 47-51. The instant invention claims a treble hook slidably connected to the leader, said treble hook located between said second movement stop and said hook eye loop. This modification of Ender '181 would change the principle of operation of the reference.

Claim 13 stands rejected under 35 USC 103(a), as being unpatentable over Ender (US Pat. No. 4,530,181) in view of Dobkowski (US Pat. No. 2,539,234).

The claims are believed to be unobvious because the modification as suggested by the office action would render the prior art unsatisfactory for its intended purpose. It has been held that if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the

Application Number 10/731,668
Amendment Date 5/18/2005
Reply to Office action of 03/23/2005

proposed modification, In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). The modification of Ender '181 in the manner suggested would not allow the prior art to work in the following way. The Ender '181 reference teaches that when a fish strikes auxiliary lure 14, the pull of the fish causes the primary line to release from the weighted ball. As the primary line straightens, the attachment device 10 slides to the end of the primary line, as shown in figure 4, Col. 4, lines 47-51. The instant invention claims a second movement stop frictionally connected to said leader, said second movement stop located between said first movement stop and said leader hook end, this would not allow the attachment device 10 of the Ender '181 reference to slide to the end of the primary line.

Claim 14 - 15 stand rejected under 35 USC 103(a), as being unpatentable over Ender (US Pat. No. 4,530,181), as modified by Dobkowski (US Pat. No. 2,539,234) and further in view of England (US Pat. No. 1,208,936).

The claims are believed to be unobvious because the modification as suggested by the office action would render the prior art unsatisfactory for its intended purpose. It has been held that if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification, In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). The modification of Ender '181 in the manner suggested would not allow the prior art to work in the following way. The Ender '181 reference teaches that when a fish strikes auxiliary lure 14, the pull of the fish causes the primary line to release from the weighted ball. As the primary line straightens, the attachment device 10 slides to the end of the primary line, as shown in figure 4, Col. 4, lines 47-51. The instant invention claims a second movement stop frictionally connected to said leader, said second movement stop located between said first movement stop and said leader hook end, this would not allow the attachment device 10 of the Ender '181 reference to slide to the end of the primary line.

The claims are believed to be unobvious because the modification as suggested by the office action would change the principle of operation of the Ender '181 reference. It has been held that if the proposed modification of the prior art changes the principle of operation of the

Application Number 10/731,668
Amendment Date 5/18/2005
Reply to Office action of 03/23/2005

prior art being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious, *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). The modification of Ender '181 in the manner suggested would change the principle of operation of the above stated reference in the following way. The Ender '181 reference teaches a lure 14 is fastened to one end of the auxiliary line, and a device, such as a swivel snap 44 is fastened to the other end. The swivel snap has an eye on one end, eye 46 for connection to the auxiliary line 12 and eye 48 for receiving the primary line. The primary line 16 is then threaded, first through passage 40 of arm 30, then through eye 48 of the swivel snap and then through passage 42 of arm 32, Col. 3, lines 60-67. The Ender '181 reference teaches that when a fish strikes auxiliary lure 14, the pull of the fish causes the primary line to release from the weighted ball. As the primary line straightens, the attachment device 10 slides to the end of the primary line, as shown in figure 4, Col. 4, lines 47-51. The instant invention claims a treble hook slidably connected to the leader, said treble hook located between said second movement stop and said hook eye loop. This modification of Ender '181 would change the principle of operation of the reference.

Claim 16 - 17 stand rejected under 35 USC 103(a), as being unpatentable over Ender (US Pat. No. 4,530,181), as modified by Dobkowski (US Pat. No. 2,539,234) and England (US Pat. No. 1,208,936) and further in view of Gruel (US Pat. No. 5,950,348).

The claims are believed to be unobvious because the modification as suggested by the office action would render the prior art unsatisfactory for its intended purpose. It has been held that if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification, *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). The modification of Ender '181 in the manner suggested would not allow the prior art to work in the following way. The Ender '181 reference teaches that when a fish strikes auxiliary lure 14, the pull of the fish causes the primary line to release from the weighted ball. As the primary line straightens, the attachment device 10 slides to the end of the primary line, as shown in figure 4, Col. 4, lines 47-51. The instant invention claims a second movement stop frictionally connected to said leader, said second movement stop located between said first movement stop and said

Application Number 10/731,668
Amendment Date 5/18/2005
Reply to Office action of 03/23/2005

leader hook end, this would not allow the attachment device 10 of the Ender '181 reference to slide to the end of the primary line.

The claims are believed to be unobvious because the modification as suggested by the office action would change the principle of operation of the Ender '181 reference. It has been held that if the proposed modification of the prior art changes the principle of operation of the prior art being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious, *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). The modification of Ender '181 in the manner suggested would change the principle of operation of the above stated reference in the following way. The Ender '181 reference teaches a lure 14 is fastened to one end of the auxiliary line, and a device, such as a swivel snap 44 is fastened to the other end. The swivel snap has an eye on one end, eye 46 for connection to the auxiliary line 12 and eye 48 for receiving the primary line. The primary line 16 is then threaded, first through passage 40 of arm 30, then through eye 48 of the swivel snap and then through passage 42 of arm 32, Col. 3, lines 60-67. The Ender '181 reference teaches that when a fish strikes auxiliary lure 14, the pull of the fish causes the primary line to release from the weighted ball. As the primary line straightens, the attachment device 10 slides to the end of the primary line, as shown in figure 4, Col. 4, lines 47-51. The instant invention claims a treble hook slidably connected to the leader, said treble hook located between said second movement stop and said hook eye loop. This modification of Ender '181 would change the principle of operation of the reference.

Claim 18 - 19 stand rejected under 35 USC 103(a), as being unpatentable over Ender (US Pat. No. 4,530,181), as modified by Dobkowski (US Pat. No. 2,539,234), England (US Pat. No. 1,208,936) and Gruel (US Pat. No. 5,950,348) and further in view of Pettersen (US Pat. No. 4,177,599).

The claims are believed to be unobvious because the modification as suggested by the office action would render the prior art unsatisfactory for its intended purpose. It has been held that if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification, *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). The

Application Number 10/731,668
Amendment Date 5/18/2005
Reply to Office action of 03/23/2005

modification of Ender '181 in the manner suggested would not allow the prior art to work in the following way. The Ender '181 reference teaches that when a fish strikes auxiliary lure 14, the pull of the fish causes the primary line to release from the weighted ball. As the primary line straightens, the attachment device 10 slides to the end of the primary line, as shown in figure 4, Col. 4, lines 47-51. The instant invention claims a second movement stop frictionally connected to said leader, said second movement stop located between said first movement stop and said leader hook end, this would not allow the attachment device 10 of the Ender '181 reference to slide to the end of the primary line.

The claims are believed to be unobvious because the modification as suggested by the office action would change the principle of operation of the Ender '181 reference. It has been held that if the proposed modification of the prior art changes the principle of operation of the prior art being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious, *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). The modification of Ender '181 in the manner suggested would change the principle of operation of the above stated reference in the following way. The Ender '181 reference teaches a lure 14 is fastened to one end of the auxiliary line, and a device, such as a swivel snap 44 is fastened to the other end. The swivel snap has an eye on one end, eye 46 for connection to the auxiliary line 12 and eye 48 for receiving the primary line. The primary line 16 is then threaded, first through passage 40 of arm 30, then through eye 48 of the swivel snap and then through passage 42 of arm 32, Col. 3, lines 60-67. The Ender '181 reference teaches that when a fish strikes auxiliary lure 14, the pull of the fish causes the primary line to release from the weighted ball. As the primary line straightens, the attachment device 10 slides to the end of the primary line, as shown in figure 4, Col. 4, lines 47-51. The instant invention claims a treble hook slidably connected to the leader, said treble hook located between said second movement stop and said hook eye loop. This modification of Ender '181 would change the principle of operation of the reference.

Claim 20 stands rejected under 35 USC 103(a), as being unpatentable over Ender (US Pat. No. 4,530,181), as modified by Dobkowski (US Pat. No. 2,539,234), England (US Pat. No. 1,208,936), Gruel (US Pat. No. 5,950,348) and Pettersen (US Pat. No. 4,177,599).

Application Number 10/731,668
Amendment Date 5/18/2005
Reply to Office action of 03/23/2005

The claims are believed to be unobvious because the modification as suggested by the office action would render the prior art unsatisfactory for its intended purpose. It has been held that if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification, *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). The modification of Ender '181 in the manner suggested would not allow the prior art to work in the following way. The Ender '181 reference teaches that when a fish strikes auxiliary lure 14, the pull of the fish causes the primary line to release from the weighted ball. As the primary line straightens, the attachment device 10 slides to the end of the primary line, as shown in figure 4, Col. 4, lines 47-51. The instant invention claims a second movement stop frictionally connected to said leader, said second movement stop located between said first movement stop and said leader hook end, this would not allow the attachment device 10 of the Ender '181 reference to slide to the end of the primary line.

The claims are believed to be unobvious because the modification as suggested by the office action would change the principle of operation of the Ender '181 reference. It has been held that if the proposed modification of the prior art changes the principle of operation of the prior art being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious, *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). The modification of Ender '181 in the manner suggested would change the principle of operation of the above stated reference in the following way. The Ender '181 reference teaches a lure 14 is fastened to one end of the auxiliary line, and a device, such as a swivel snap 44 is fastened to the other end. The swivel snap has an eye on one end, eye 46 for connection to the auxiliary line 12 and eye 48 for receiving the primary line. The primary line 16 is then threaded, first through passage 40 of arm 30, then through eye 48 of the swivel snap and then through passage 42 of arm 32, Col. 3, lines 60-67. The Ender '181 reference teaches that when a fish strikes auxiliary lure 14, the pull of the fish causes the primary line to release from the weighted ball. As the primary line straightens, the attachment device 10 slides to the end of the primary line, as shown in figure 4, Col. 4, lines 47-51. The instant invention claims a treble hook slidably connected to the


Application Number 10/731,668
Amendment Date 5/18/2005
Reply to Office action of 03/23/2005

leader, said treble hook located between said second movement stop and said hook eye loop.
This modification of Ender '181 would change the principle of operation of the reference.

The subsidiary references, Erickson, US Patent Number 286,188, Gage, US Patent Number 399,866, Hughes, US Patent Number 1,970,752, Macleod, et al., US Patent Number 3,516,192, Pierce et al., US Patent Number 3,650,063, Ware, US Patent Number 3,710,501, Ratte, US Patent Number 4,459,775, and Kent, US Patent Number 6,101,755, have been studied, but are submitted to be less relevant than the relied upon references.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



Anthony Edw. J Campbell
Reg. No. 39,619
Customer No. 30,245
Phone 512/306-0321

Attorney for Applicant

Date: May 18, 2005

Certificate of Facsimile

I hereby certify that this correspondence is being transmitted by fax to the United States Patent and Trademark Office on the date shown below.

Anthony Edw. J Campbell



Wednesday, May 18, 2005